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FILED  
CLERK OF DISTRICT COURT  
BOISE, IDAHO

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF IDAHO

KIMBERLEY SMITH, et al., individually  
and on behalf of those similarly situated,

Plaintiffs,

v.

MICRON ELECTRONICS, INC., a  
Minnesota Corporation,

Defendant.

Case No. CIV 01-0244-S-BLW  
**ORDER REFERRING CASE TO  
MEDIATION**

The Parties' Joint Alternative Dispute Resolution Plan ("ADR Plan") (Docket No.171) having been filed in this matter, having approved the ADR Plan, and good cause appearing therefor,

IT IS HEREBY ORDERED that the parties shall attempt settlement of this matter through confidential mediation; and it is further

ORDERED that the mediation shall be conducted on August 23-24, 2004, before Merlyn W. Clark of Clark Dispute Resolution, LLC, in Boise, Idaho, at a neutral facility to be selected

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by Defendant and acceptable to Plaintiffs (with cost of the facility to be split equally); and it is further

ORDERED that all six of the individually named Plaintiffs will appear at and attend the mediation, accompanied by Plaintiffs' counsel, and that Defendant will appear and attend the mediation through at least one executive employee or representative with ultimate authority to negotiate a settlement, accompanied by Defendant's counsel; and it is further

ORDERED that failure or refusal to appear and attend the mediation as scheduled by this Order may result in imposition by the Court of sanctions, as permitted by law, which may include dismissal; and it is further

ORDERED that no subpoena, citation, writ or other process shall be served at or near the location of any mediation session, on any person entering, leaving or attending any mediation session; and it is further

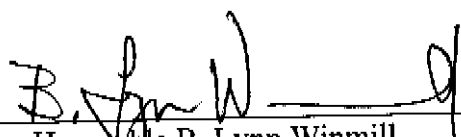
ORDERED that the parties shall share equally in the reasonable fees and expenses of the mediator, unless otherwise agreed by the parties in writing; and it is further

ORDERED that the ADR proceedings shall be privileged and confidential in accordance with Local Civil Rule 16.5(j) and, to the extent applicable, the federal mediation privilege; and it is further

ORDERED that the ADR proceedings shall not excuse a party from compliance with any and all requirements established by the court, nor toll any time limitations imposed upon the parties by reason of any rule of law or order of the court; and it is further

ORDERED that after conclusion of the mediation, the mediator shall submit under confidential seal a report in accordance with the requirements of Local Civil Rule 16.5(k).

DATED this 19<sup>th</sup> day of February, 2004.

  
The Honorable B. Lynn Winmill  
United States Chief District Judge

United States District Court  
for the  
District of Idaho  
February 20, 2004

\* \* CLERK'S CERTIFICATE OF MAILING \* \*

Re: 1:01-cv-00244

I certify that I caused a copy of the attached document to be mailed or faxed to the following named persons:

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*Devin Asper DX*

☒ Chief Judge B. Lynn Winmill  
☐ Judge Edward J. Lodge  
☐ Chief Magistrate Judge Larry M. Boyle  
☐ Magistrate Judge Mikel H. Williams

Visiting Judges:  
☐ Judge David O. Carter  
☐ Judge John C. Coughenour  
☐ Judge Thomas S. Zilly

Cameron S. Burke, Clerk

Date: 2-20-04

BY: *DX*  
(Deputy Clerk)